

PTO/SB/31 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		<b>Docket Number (Optional)</b> 564462001822	
In re Application of Jay M. SHORT et al.			
Application Number 09/866,379		Filed May 24, 2001	
For RECOMBINANT BACTERIAL PHYTASES AND USES THEREOF			
Art Unit 1652		Examiner D. Ramirez	

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 330.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 165.00

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-1952. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) was filed with applicant's After Final Response filed April 13, 2003 a copy of which is attached.

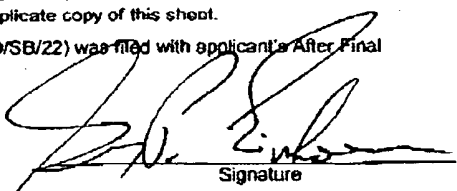
I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record.  
Registration number \_\_\_\_\_

☒ attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a). 38,440

  
Signature  
Gregory P. Einhorn  
Typed or printed name  
(858) 720-5133  
Telephone number  
April 30, 2004  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of 1 forms are submitted.

## Certificate of Transmission by Facsimile

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PAGE 3/6 \* RCVD AT 4/30/2004 6:41:29 PM (Eastern Daylight Time) \* SVR:USPTO-EFXXF-1/0 \* DNIS:8729306 \* CSID:858 720 5125 \* DURATION (mm:ss):02:00

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